

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47406 of 2015

Arising Out of PS.Case No. -232 Year- 2014 Thana -SIWAN MUFFASIL District- SIWAN

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1. Badri Nath Mitel @ Badri Kumar Mittal Son of Shri Pawan kumar Mittal
resident of Pushp Vihar exhibition road, P.o G.P.O. Ps.Gandhi Maidan
District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food & Civil Supplies Corporation
Corporation , Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi
For the Opposite Party/s : Mr. Nand Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL ORDER

2 15-10-2015 The petitioner apprehends his arrest in relation to

Muffasil P.S. Case No. 232 of 2014, instituted under sections 406,

420 of the Indian Penal Code and section 138 of the Negotiable

Instrument Act.

It is alleged that the petitioner was entrusted with the

huge quantity of paddy for milling and return the same as rice. It is

alleged that the petitioner failed to account for the milled rice, and

as such there was loss to the B.S.F.C.

Learned counsel for the petitioner submits that

though the petitioner had milled the paddy, but as the

transportation was not arranged by the B.S.F.C., the same could

not be delivered, and in the process, to save it from rotting, the petitioner was forced to sell the same. The petitioner submits that it is a matter of accounting and civil liability to pay. Therefore, it could, at best, be a breach of contract.

Be that as it may, I direct that in the event of arrest or surrender in the court below within four weeks, the above named petitioner shall be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Siwan, in connection with Muffasil P.S. Case No. 232 of 2014, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Navaniti Prasad Singh, J)

B.K.Roy/-

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